

The Examiner's attention is drawn to col. 15, line 65 through col. 16, line 35. Sensor 74 is not a test sensor. Rather, sensor 74 is described by Brown as a signal sensor. Only one signal sensor is provided per monitor. As clearly pointed out at col. 16, lines 24-35, the signal sensor 74 is merely a switch that is used to energize data management unit 10 when the monitor connected to signal sensor 74 is energized. Sensors 74 are not test sensors and no test measurement date is obtained from the sensors 74.

Still further, since sensors 74 are not test sensors, sensors 74 are not coupled to a subject as called for in claim 1. Even further, no test measurement data is obtainable from signal sensors 74 and accordingly no apparatus automatically obtains test measurement data from the sensors as called for in claim 1. Yet further, there can be no uploading of test data from sensors as called for in claim 1 since signal sensors 74 since they are merely switches used to energize the data management unit 10.

In addition, the Examiner points to data management unit 10 as being a "network". However, at no point in the Brown '263 has the undersigned found any description of data management unit 19 as a network. **Data management unit 10 is a processor, not a network.** The structure pointed to by the Examiner is not a network, but a direct modem connection between a processor via a modem to a server. Accordingly, the Examiner's premise that there is a coupling of sensors to apparatus having access to a network is not seen.

Accordingly, the Examiner has misread and misapplied the teachings of Brown '263. The Examiner states that Brown '263 does not specify the network that he has identified as data management unit 10 as being the Internet. The reason for this is clear. Data management unit 10 is a processor, not a network.. Accordingly, the Examiner's premise for citing Brown '163 for showing an Internet fails to fill the voids in the teachings of Brown '263.

In addition, **nothing in Brown '163 suggests or teaches that the teachings of Brown'163 apply to a Health Monitoring System.** Brown '163 is directed to an education system and not a health monitoring system such as that of Brown '263. **Brown '163 is in a different International and US class from Brown '263.** One skilled in the art would not be lead to select the combination of references as suggested by the Examiner. Accordingly, the combination of references appears to have been made solely in an effort to meet the elements of claim 1 with the use of hindsight to cobble together unrelated references.

In view of the foregoing, Brown '263 and Brown '163 taken singly or in combination do not show, teach or make obvious applicant's novel invention as set forth in claim 1.

Claims 4-20 all depend from claim 1 and for the same reason that Brown '263 and Brown '163 do not show, teach or make obvious claim 1, claims 4-20 are not shown, taught or made obvious by Brown '263 and Brown '163.

The Examiner in rejecting claim 10 which recites, inter alia: "automatically storing processed data for test measurement data obtained at different times for said subject as said additional

processed data" states that Brown '263 "teaches automatically storing processed data at different times (col. 15, lines 44-47)"

However, nothing in the cited passage supports the Examiner's contention that Brown makes such a teaching.

Accordingly, for this additional reason, claim 10 is not shown, taught or made obvious by Brown '263 in combination with Brown '163.

The Examiner is rejecting claims 18-20 cites Brown '263 as teaching "providing multimedia means at the apparatus and using the interface to communicate test instructions to the subject (col. 8, lines 63+).

The Examiner misreads Brown '263. Although Brown '263 at col. 8, lines 63+ indicates that a handheld microprocessor unit comparable to a Nintendo "game boy" may be utilized, only display information is discussed. Accordingly only a video media is used to communicate and not a multimedia as claimed. Thus, Brown '263 actually teaches away from the present invention.

Since Brown '263 fails to teach the use of the multimedia capabilities of a game boy type unit and apparently only utilizes the display portion of the device, Brown '263 also fails to teach using multimedia apparatus to communicate test instructions.

Accordingly, for these additional reasons, claims 18-20 are not shown, taught or made obvious by the Brown '263 and Brown '163 references taken singly or in combination.

Claims 11-17 depend from claim 1, and for the reasons set forth above, claims 11-17 are not shown, taught or made obvious by Brown '263 in combination with the additional references.

The Examiner cites Brown '263 as modified to include the teachings of Halpern as teaching "using an analysis program to analyze stored historical data obtained from a patient (col 11, lines 21-26)."

The Examiner has misread Halpern. The cited passage is absolutely silent on use of any analysis program. The passage cited states: "When the portable computer 22 requests historical data from the modules 16, the data is retrieved from the memory 84." Halpern is silent on providing analysis of historical data and using an analysis program as called for in claims 11-17.

For these additional reasons, claims 11-17 are not shown, taught or made obvious by the references taken singly or in combination.

Accordingly, none of the claims in the application are shown, taught or made obvious by any of the references of record taken singly or in any combination.

INVENTOR: McBride et al  
TITLE: MEDICAL TESTING AND METHOD

attorney docket: CARDIOBEAT-1

In view of the foregoing comments, it is believed that all the claims presently in the application are in condition for allowance. Reexamination and reconsideration are requested. It is further requested that the claims be allowed and that this application be passed to issue. An early notice of allowance would be appreciated.

Respectfully submitted,  
DONALD J. LENKSZUS, P.C.

Dated: May 24, 2004

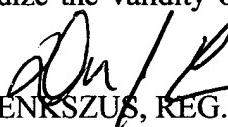
By: 

DONALD J. LENKSZUS, Reg. No. 28,096  
P. O. BOX 3064  
CAREFREE, AZ 85377  
Telephone: (602) 463-2010

#### CERTIFICATE OF MAILING

I hereby certify that this document (and any as referred to as being attached or enclosed) is being transmitted by **EXPRESS MAIL NO. ER539705248US** to MS Amendment, Commissioner for Patents, PO BOX 1450, Alexandria, VA 22313-1450 on **MAY 24, 2004**.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

  
DONALD J. LENKSZUS, REG. NO. 28,096